

## Electors and the Electoral College

### Electors

Presidential electors are the 55 individuals from California who are entitled to vote in the Electoral College. The number of electors is based on each state's total representation in Congress: California's two U.S. Senators and 53 members of the House of Representatives. Each qualified political party chooses its electors in a manner provided by statute.

- A. Democratic Party: Each congressional and U.S. senatorial nominee designates one elector and files the names and business and residence addresses with the Secretary of State by October 1, 2012. If there is no U.S. senatorial nominee or no congressional nominee in any particular district, the state Democratic chair shall designate electors. § 7100<sup>1</sup>
- B. Republican Party: Republican nominees for Governor, Lieutenant Governor, Treasurer, Controller, Attorney General, Secretary of State, U.S. Senate at the last two elections, Assembly Republican leader, Senate Republican leader, all elected officers of the Republican State Central Committee, National Committeemen/women, President of Republican County Central Committee Chairmen's Association, and chair or president of each Republican volunteer organization officially recognized by the Republican State Central Committee shall be electors. Any additional vacancies shall be filled by appointment of the chair of Republican State Central Committee according to Republican State Central Committee bylaws. Republican State Central Committee Chair must file the list, containing the name, residence address, and business address of each appointee, with the Secretary of State by October 1, 2012. § 7300
- C. American Independent Party: The state convention nominates electors and the state chair certifies their names and residence addresses to the Secretary of State. § 7578
- D. Green, Libertarian, and Peace and Freedom Parties<sup>2</sup>: The state convention nominates electors, of whom 50% shall be women and 50% shall be men. The party chair certifies their names and residence addresses to the Secretary of State. § 7843

U.S. Senators, Representatives in Congress, and persons holding an office of trust or profit of the U.S. may not be electors. U.S. Const., art II, § 1, cl. 2

The lists of electors must be filed with the Secretary of State by October 1, 2012. The Secretary of State then notifies each elector of his or her nomination. § 6901

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<sup>1</sup> All code references are to the California Elections Code unless otherwise stated.

<sup>2</sup> A qualified political party that does not have procedures in statute applicable to its presidential primary shall designate for its use the statutory provisions of any other political party. § 5006

At the conclusion of the official canvass, the Secretary of State certifies the electors to the Governor, and by the first Monday in December following the election, issues certificates of election to the electors, along with a notice of the time and place of the meeting of the Electoral College and a statement that they are entitled to per diem allowance and mileage, as specified. § 15505

### **The Electoral College**

The electors pledged to the presidential slate that wins the popular vote in California in November convene at the State Capitol at 2:00 p.m. on the first Monday after the second Wednesday in December following the election.

U.S. Const., 12<sup>th</sup> Amend.; Elec. Code §§ 6904, 6906–6908

The Governor convenes the Electoral College. The electors cast separate ballots for President and Vice President; they then sign, certify, seal, and deliver the results of each ballot to the Governor, who transmits the vote results to the President of the U.S. Senate.

§§ 6907, 6908

Electors vote for President and Vice President, at least one of whom cannot be an inhabitant of this state.

U.S. Const., 12<sup>th</sup> Amend.; Elec. Code § 6906

California's electors are compensated at the rate of \$10 per diem and \$0.05 per mile for travel from their domicile to Sacramento and return.

§ 6909

### **Congressional Role**

On the first Monday in January, the President of the Senate, in a joint session of the U.S. Senate and the House of Representatives, opens and reads the ballots from the 50 states and the District of Columbia. They appoint tellers who identify and count the results, announcing states in alphabetical order. The candidate for President who receives the majority of the 538 votes of the Electoral College is declared elected President, with similar procedure for election of Vice President. If no candidate receives the simple majority vote of the Electoral College, the decision moves to the newly-elected members of the House of Representatives for the President and the U.S. Senate for the Vice President.

U.S. Const., 12<sup>th</sup> Amend.